

DF

FA:SD:ec
CV5-61.wpd

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT
★ JUN 16 2003 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

P.M. _____
TIME A.M. _____

----- X

SVYATOSLAV TEMER,

STIPULATION

Plaintiff,

Civil Action
No. CV-03-5167

- against -

(Ross, J.)

JOHN ASHCROFT, ATTORNEY GENERAL;
MARY ANN GANTHER, DISTRICT
DIRECTOR, UNITED STATES
CITIZENSHIP AND IMMIGRATION
SERVICE; AND THE UNITED STATES
CITIZENSHIP AND IMMIGRATION
SERVICE,

Defendants.

----- X

WHEREAS, on April 11, 2001, plaintiff Svyatoslav Temer
(Temer), filed an application for naturalization with the
Immigration and Naturalization Service (INS);

WHEREAS, on December 11, 2002, the INS denied Temer's
application;

WHEREAS, on August 20, 2003, the United States Citizenship
and Immigration Services (CIS) denied Temer's appeal of that
decision;

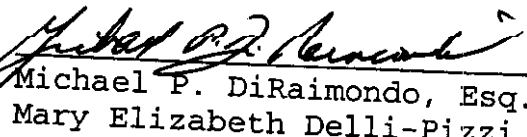
WHEREAS, on October 14, 2003, pursuant to 8 U.S.C.
§ 1421(c), Temer filed a petition in the United States District
Court for the Eastern District of New York seeking a hearing on
the naturalization application;


WHEREAS, the parties wish to resolve this action amicably and without any further litigation, and without admission of liability by either party;

IT IS HEREBY STIPULATED that this case is dismissed with prejudice and that each party shall bear their own fees, subject to the following terms and conditions:

1. That plaintiff will file a new application for naturalization and that CIS will process that application as expeditiously as possible;

2. That in adjudicating that application, the CIS will not consider, in evaluating whether Temer has satisfied the good moral requirement of 8 U.S.C. § 1427, plaintiff's arrest and convictions occurring prior to and including April 16, 2003. However, should Temer have been or be arrested at any time after April 16, 2003, then CIS may consider all prior arrests and convictions, to the extent permitted by statute and regulation, in adjudicating his naturalization application.


 Michael P. DiRaimondo, Esq.
 Mary Elizabeth Delli-Pizzi, Esq.
 DiRaimondo & Masi, LLP
 401 Broadhollow Rd., Suite 302
 Melville, NY 11747


 Scott Dunn
 U.S. Attorney's Office
 Eastern District of New York
 One Pierrepont Plaza, 14th Fl.
 Brooklyn, New York 11201

Dated: *April 22*, 2005

Dated: *June 8*, 2005

Served. 6/14/05